

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**  
**STIPULATED AGREEMENT NO. 969**

702-0060

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "COMMISSION", the Illinois Central Railroad Company, hereinafter referred to as "COMPANY", the City of Bradley, hereinafter referred to as "BRADLEY", the City of Kankakee, hereinafter referred to as "KANKAKEE", Kankakee Township, hereinafter referred to as "TOWNSHIP", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

**WITNESSETH:**

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossings of the COMPANY 's track with a public highways known as North Street in Bradley, Chestnut Street, Station Street, Hickory Street and Jeffrey Street, all located in Kankakee, and South Tech Road located in Kankakee Township, Kankakee County, Illinois, designated as crossings AAR/DOT 288 939S, 288 944N, 288 947J, 288948R, 288 952F, 288954U, mileposts 53.85-M, 55.61-M, 55.95-M, 56.05-M, 56.80-M, 58.15-M, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a diagnostic team, including a staff member of the COMMISSION'S Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibits A-1 through A-6, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained, the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit, the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

- (a) North Street –
  - (i) Install Constant Warning Time (CWT) circuitry, renew gate mechanisms and relocate the west cantilever and gate mechanism.
  - (ii) Extend the existing concrete median located on the west highway approach approximately fifteen (15) feet to the east.
- (b) Chestnut Street – Install CWT circuitry, renew gate mechanisms and relocate the signal control house.
- (c) Station Street –
  - (i) Install CWT circuitry and renew gate mechanisms.
  - (ii) Install advance warning signs on both highway approaches to the crossing in accordance with the guidelines set forth in the Manual on Uniform Traffic Control Devices.
- (d) Hickory Street – Install CWT circuitry and renew gate mechanisms.
- (e) Jeffery Street –
  - (i) Install CWT circuitry and renew gate mechanisms.
  - (ii) Install advance warning signs on both highway approaches to the crossing in accordance with the guidelines set forth in the Manual on Uniform Traffic Control Devices.
- (f) South Tech Road/TR137 –
  - (i) Install CWT circuitry and renew gate mechanisms.
  - (ii) Install an advance warning sign on the east highway approach to the crossing, in accordance with the guidelines set forth in the Manual on Uniform Traffic Control Devices.
  - (iii) Replace one timber panel in the east crossing surface and renew the timber crossing surfaces in the west two (2) tracks.

Section 3 The COMPANY has prepared signal plans and estimates of cost to accomplish the proposed improvements, which it may be required to perform. Said plans and estimates are attached as Exhibits B-1 through B-6.

BRADLEY has prepared a plan and estimate of cost to accomplish the improvements proposed in Section 2(a)(ii), which it may be required to perform. Said plan and estimate is attached as Exhibit C.

Section 4 The COMPANY and BRADLEY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements listed in Sections 2(a), 2(b), 2(c)(i), 2(d), 2(e)(i) and 2(f)(i), estimated to be \$138,410, \$104,870, \$86,400, \$97,020, \$86,050, and \$116,740, shall be allocated 50% of the actual cost, in amounts not to exceed \$69,205, \$52,435, \$43,200, \$48,510, \$43,025, and \$58,370, respectively, to the Grade Crossing Protection Fund ("FUND"). The balance of the costs, as well as the cost of future maintenance and operations, shall be borne by the COMPANY. (See Exhibits B-1 through B-6.)
- (b) The cost for the improvements listed in Section 2(a)(ii), estimated to be \$4,000, shall be allocated 50% of the actual cost (not to exceed \$2,000) to the Fund, and 25% of the actual cost (not to exceed \$1,000) to the COMPANY. The balance of the costs, as well as the cost of future maintenance, shall be borne by BRADLEY. (See Exhibit C.)
- (c) The cost for the installation and maintenance of advance warning signs at Station and Jeffery Streets shall be allocated 100% to the City of Kankakee.
- (d) The cost for the installation and maintenance of an advance warning sign on the east approach to the South Tech Road/TR137 crossing shall be allocated 100% to Kankakee Township.
- (e) The cost for the improvements listed in Section 2(f)(iii), as well as the cost of future maintenance, shall be borne by the COMPANY.

Section 6 The City of Bradley is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

## Section 7

### Special Provisions:

Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The City of Kankakee shall, within thirty (30) days from the date of COMMISSION Order subsequent to this Agreement, install the advance warning signs at Station and Jeffery Streets. Upon completion of the installation of advance warning signs, the City of Kankakee and Kankakee Township shall notify the Commission, in writing, of said installation.

Kankakee Township shall, within thirty (30) days from the date of COMMISSION Order subsequent to this Agreement, install the advance warning sign South Tech Road. Upon completion of the installation of advance warning sign, the City of Kankakee and Kankakee Township shall notify the Commission, in writing, of said installation.

The City of Bradley shall, at six (6) month intervals from the date of COMMISSION Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the COMMISSION Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of COMPANY employee responsible for management of the project.

The COMPANY shall, at six (6) month intervals from the date of COMMISSION Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the COMMISSION Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of COMPANY employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62674. The DEPARTMENT shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of COMMISSION Order subsequent to this Agreement. The DEPARTMENT shall, at the end of the 24<sup>th</sup> month from the COMMISSION Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such Stipulation according to the provisions contained herein.

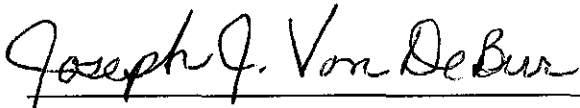
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 7th day of March, 2002.



Michael E. Stead  
Rail Safety Program Administrator

Attest:

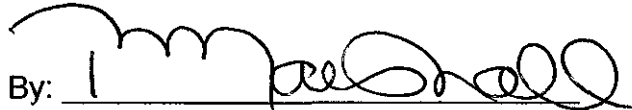


Joseph J. VonDeBur  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 969 concerning improvements at North Street in Bradley, Chestnut Street, Station Street, Hickory Street and Jeffrey Street, all located in Kankakee, and South Tech Road located in Kankakee Township, Kankakee County, Illinois, designated as crossings AAR/DOT 288 939S, 288 944N, 288 947J, 288948R, 288 952F, 288954U, mileposts 53.85-M, 55.61-M, 55.95-M, 56.05-M, 56.80-M, 58.15-M, respectively.

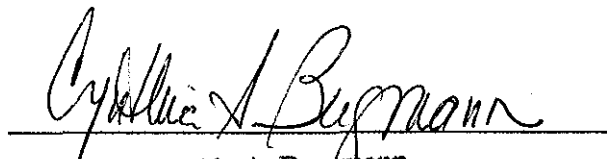
Executed by the COMPANY this 14<sup>th</sup> day of March 2001.

ILLINOIS CENTRAL RAILROAD COMPANY

By: 

Title: Vice President

Attest:

  
Cynthia A. Bergmann  
Assistant Secretary

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Executed by the DEPARTMENT this 2nd day of April 2007.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By: James R. Easterly  
Director of Highways

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Executed by the TOWNSHIP this 10 day of May ~~2001~~ <sup>2002</sup>.

KANKAKEE TOWNSHIP

By: Darwin L. Jaenicke

Title: Highway Commissioner  
Kankakee Township Road District

Attest:

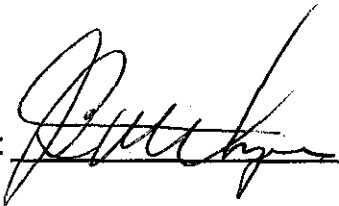
Rick P. [Signature]



Illinois Commerce Commission Stipulated Agreement No. 969 concerning improvements at North Street in Bradley, Chestnut Street, Station Street, Hickory Street and Jeffrey Street, all located in Kankakee, and South Tech Road located in Kankakee Township, Kankakee County, Illinois, designated as crossings AAR/DOT 288 939S, 288 944N, 288 947J, 288948R, 288 952F, 288954U, mileposts 53.85-M, 55.61-M, 55.95-M, 56.05-M, 56.80-M, 58.15-M, respectively.

Executed by BRADLEY this 13th day of May 2001.

CITY OF BRADLEY

By: 

Title: Village President

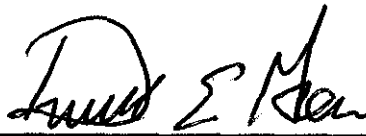
Attest:

Michael J. LaBesse by Gail Schultz  
Deputy Clerk

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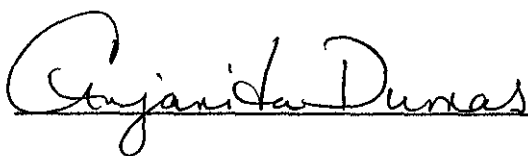
Executed by KANKAKEE this 14 day of May 2001.

CITY OF KANKAKEE

By: 

Title: Mayor

Attest:



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Executed by BRADLEY this \_\_\_\_\_ day of \_\_\_\_\_ 2001.

CITY OF BRADLEY

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

\_\_\_\_\_

## STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORMRR: Illinois Central RR Co. Milepost: 53.85-M Inventory #: 288 939SCity: Bradley Street: North Street County: KankakeeJurisdiction: Local Urban:      Rural:      Commercial:      Residential:     Street Surface: Asphalt w/concrete curb and gutter Width: 57 feet +curb (inc. 6 ft. non-mountable median) Condition: GoodAngle: 80° Tracks Tangent: Yes Degree of Curve: 0 Superelevation: NoDepth of Cut:                      Height of Fill:                     Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
<u>14.4 ft.</u>	<u>100.0</u>	<u>West Main</u>	<u>Rubber</u>	<u>64 ft.*</u>	<u>Good</u>
	<u>100.2</u>	<u>East Main</u>	<u>Rubber</u>	<u>64 ft.*</u>	<u>Good</u>

\*Crossing length does not include 8 ft. full depth, timber pedestrian crossing on south side.

Intersecting Roads: Washington Street, 114 feet West.Traffic Control Devices Present: Stop Sign on Washington – 1 wayADT: 9500 Vehicles/day Speed: 30 MPH (Posted) Statewide: YesSchool Buses: Yes Hazardous Materials: Yes Other:                     Rail Traffic: Freight: 30 @ 25-50 mph Pass.: 7 @ 79 mph Switch: 4Simultaneous Movements: Yes Daylight and Dark: YesPresent Protection: Automatic flashing light signals and gates, cantilevers over traffic, a bell on the northeast mast and reflective crossbucks.Advance Warning Signs: Yes – 2 Pavement Marking: Yes

Visibility Study

A visibility study was not done as gates are warranted (and in place) at this location.

Approach Grades

East	<u>@ 25 ft.</u>	<u>=</u>	<u>0.4%</u>	<u>@ 50 ft.</u>	<u>=</u>	<u>-0.8%</u>
West	<u>@ 25 ft.</u>	<u>=</u>	<u>0.0%</u>	<u>@ 50 ft.</u>	<u>=</u>	<u>-2.0%</u>

## COMMENTS:

This is a circuitry upgrade project, therefore the cost division will be 50% Grade Crossing Protection Fund monies and 50% Illinois Central Railroad (Canadian National/Illinois Central Railroad Company) funds.